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**SUBSTITUTE HOUSE BILL 1600**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representatives Goodman, Berry, Ramel, and Pollet; by request of Washington State Patrol)

READ FIRST TIME 02/14/23.

1 AN ACT Relating to providing access to sealed juvenile records  
2 for firearm purposes; and amending RCW 13.50.260.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 13.50.260 and 2020 c 184 s 1 are each amended to  
5 read as follows:

6 (1)(a) The court shall hold regular sealing hearings. During  
7 these regular sealing hearings, the court shall administratively seal  
8 an individual's juvenile record pursuant to the requirements of this  
9 subsection. Although the juvenile record shall be sealed, the social  
10 file may be available to any juvenile justice or care agency when an  
11 investigation or case involving the juvenile subject of the records  
12 is being prosecuted by the juvenile justice or care agency or when  
13 the juvenile justice or care agency is assigned the responsibility of  
14 supervising the juvenile. The juvenile respondent's presence is not  
15 required at any administrative sealing hearing.

16 (b) At the disposition hearing of a juvenile offender, the court  
17 shall schedule an administrative sealing hearing to take place during  
18 the first regularly scheduled sealing hearing after the latest of the  
19 following events that apply:

20 (i) The respondent's eighteenth birthday;

1 (ii) Anticipated end date of a respondent's probation, if  
2 ordered;

3 (iii) Anticipated release from confinement at the juvenile  
4 rehabilitation administration, or the completion of parole, if the  
5 respondent is transferred to the juvenile rehabilitation  
6 administration.

7 (c) The court shall not schedule an administrative sealing  
8 hearing at the disposition and no administrative sealing hearing  
9 shall occur if one of the offenses for which the court has entered a  
10 disposition is at the time of commission of the offense:

11 (i) A most serious offense, as defined in RCW 9.94A.030;

12 (ii) A sex offense under chapter 9A.44 RCW; or

13 (iii) A drug offense, as defined in RCW 9.94A.030.

14 (d) At the time of the scheduled administrative sealing hearing,  
15 the court shall enter a written order sealing the respondent's  
16 juvenile court record pursuant to this subsection if the court finds  
17 by a preponderance of the evidence that the respondent is no longer  
18 on supervision for the case being considered for sealing and has paid  
19 the full amount of restitution owing to the individual victim named  
20 in the restitution order, excluding restitution owed to any public or  
21 private entity providing insurance coverage or health care coverage.  
22 In determining whether the respondent is on supervision or owes  
23 restitution, the court shall take judicial notice of court records,  
24 including records of the county clerk, and, if necessary, sworn  
25 testimony from a representative of the juvenile department.

26 (e) At the time of the administrative sealing hearing, if the  
27 court finds the respondent remains on supervision for the case being  
28 considered for sealing, then the court shall continue the  
29 administrative sealing hearing to a date within thirty days following  
30 the anticipated end date of the respondent's supervision. At the next  
31 administrative sealing hearing, the court shall again determine the  
32 respondent's eligibility for sealing his or her juvenile court record  
33 pursuant to (d) of this subsection, and, if necessary, continue the  
34 hearing again as provided in this subsection.

35 (f) (i) During the administrative sealing hearing, if the court  
36 finds the respondent is no longer on supervision for the case being  
37 considered for sealing, but the respondent has not paid the full  
38 amount of restitution owing to the individual victim named in the  
39 restitution order, excluding any public or private entity providing  
40 insurance coverage or health care coverage, the court shall deny

1 sealing the juvenile court record in a written order that: (A)  
2 Specifies the amount of restitution that remains unpaid to the  
3 original victim, excluding any public or private entity providing  
4 insurance coverage or health care coverage; and (B) provides  
5 direction to the respondent on how to pursue the sealing of records  
6 associated with this cause of action.

7 (ii) Within five business days of the entry of the written order  
8 denying the request to seal a juvenile court record, the juvenile  
9 court department staff shall notify the respondent of the denial by  
10 providing a copy of the order of denial to the respondent in person  
11 or in writing mailed to the respondent's last known address in the  
12 department of licensing database or the respondent's address provided  
13 to the court, whichever is more recent.

14 (iii) At any time following entry of the written order denying  
15 the request to seal a juvenile court record, the respondent may  
16 contact the juvenile court department, provide proof of payment of  
17 the remaining unpaid restitution to the original victim, excluding  
18 any public or private entity providing insurance coverage or health  
19 care coverage, and request an administrative sealing hearing. Upon  
20 verification of the satisfaction of the restitution payment, the  
21 juvenile court department staff shall circulate for signature an  
22 order sealing the file, and file the signed order with the clerk's  
23 office, who shall seal the record.

24 (iv) The administrative office of the courts must ensure that  
25 sealed juvenile records remain private in case of an appeal and are  
26 either not posted or redacted from any clerks papers that are posted  
27 online with the appellate record, as well as taking any other prudent  
28 steps necessary to avoid exposing sealed juvenile records to the  
29 public.

30 (2) Except for dismissal of a deferred disposition under RCW  
31 13.40.127, the court shall enter a written order immediately sealing  
32 the official juvenile court record upon the acquittal after a fact  
33 finding or upon the dismissal of charges with prejudice, subject to  
34 the state's right, if any, to appeal the dismissal.

35 (3) If a juvenile court record has not already been sealed  
36 pursuant to this section, in any case in which information has been  
37 filed pursuant to RCW 13.40.100 or a complaint has been filed with  
38 the prosecutor and referred for diversion pursuant to RCW 13.40.070,  
39 the person who is the subject of the information or complaint may  
40 file a motion with the court to have the court vacate its order and

1 findings, if any; resolve the status of any debts owing; and, subject  
2 to RCW 13.50.050(13), order the sealing of the official juvenile  
3 court record, the social file, and records of the court and of any  
4 other agency in the case, with the exception of identifying  
5 information under RCW 13.50.050(13).

6 (4) (a) The court shall grant any motion to seal records for class  
7 A offenses made pursuant to subsection (3) of this section if:

8 (i) Since the last date of release from confinement, including  
9 full-time residential treatment, if any, or entry of disposition, the  
10 person has spent five consecutive years in the community without  
11 committing any offense or crime that subsequently results in an  
12 adjudication or conviction;

13 (ii) No proceeding is pending against the moving party seeking  
14 the conviction of a juvenile offense or a criminal offense;

15 (iii) No proceeding is pending seeking the formation of a  
16 diversion agreement with that person;

17 (iv) The person is no longer required to register as a sex  
18 offender under RCW 9A.44.130 or has been relieved of the duty to  
19 register under RCW 9A.44.143 if the person was convicted of a sex  
20 offense;

21 (v) The person has not been convicted of rape in the first  
22 degree, rape in the second degree, or indecent liberties that was  
23 actually committed with forcible compulsion; and

24 (vi) The person has paid the full amount of restitution owing to  
25 the individual victim named in the restitution order, excluding  
26 restitution owed to any public or private entity providing insurance  
27 coverage or health care coverage.

28 (b) The court shall grant any motion to seal records for class B,  
29 class C, gross misdemeanor, and misdemeanor offenses and diversions  
30 made under subsection (3) of this section if:

31 (i) Since the date of last release from confinement, including  
32 full-time residential treatment, if any, entry of disposition, or  
33 completion of the diversion agreement, the person has spent two  
34 consecutive years in the community without being convicted of any  
35 offense or crime;

36 (ii) No proceeding is pending against the moving party seeking  
37 the conviction of a juvenile offense or a criminal offense;

38 (iii) No proceeding is pending seeking the formation of a  
39 diversion agreement with that person;

1 (iv) The person is no longer required to register as a sex  
2 offender under RCW 9A.44.130 or has been relieved of the duty to  
3 register under RCW 9A.44.143 if the person was convicted of a sex  
4 offense; and

5 (v) The person has paid the full amount of restitution owing to  
6 the individual victim named in the restitution order, excluding  
7 restitution owed to any insurance provider authorized under Title 48  
8 RCW.

9 (c) Notwithstanding the requirements in (a) or (b) of this  
10 subsection, the court shall grant any motion to seal records of any  
11 deferred disposition vacated under RCW 13.40.127(9) prior to June 7,  
12 2012, if restitution has been paid and the person is eighteen years  
13 of age or older at the time of the motion.

14 (5) The person making a motion pursuant to subsection (3) of this  
15 section shall give reasonable notice of the motion to the prosecution  
16 and to any person or agency whose records are sought to be sealed.

17 (6) (a) If the court enters a written order sealing the juvenile  
18 court record pursuant to this section, it shall, subject to RCW  
19 13.50.050(13), order sealed the official juvenile court record, the  
20 social file, and other records relating to the case as are named in  
21 the order. Thereafter, the proceedings in the case shall be treated  
22 as if they never occurred, and the subject of the records may reply  
23 accordingly to any inquiry about the events, records of which are  
24 sealed. Any agency shall reply to any inquiry concerning confidential  
25 or sealed records that records are confidential, and no information  
26 can be given about the existence or nonexistence of records  
27 concerning an individual.

28 (b) In the event the subject of the juvenile records receives a  
29 full and unconditional pardon, the proceedings in the matter upon  
30 which the pardon has been granted shall be treated as if they never  
31 occurred, and the subject of the records may reply accordingly to any  
32 inquiry about the events upon which the pardon was received. Any  
33 agency shall reply to any inquiry concerning the records pertaining  
34 to the events for which the subject received a pardon that records  
35 are confidential, and no information can be given about the existence  
36 or nonexistence of records concerning an individual.

37 (c) Effective July 1, 2019, the department of licensing may  
38 release information related to records the court has ordered sealed  
39 only to the extent necessary to comply with federal law and  
40 regulation.

1 (7) Inspection of the files and records included in the order to  
2 seal may thereafter be permitted only by order of the court upon  
3 motion made by the person who is the subject of the information or  
4 complaint, except as otherwise provided in RCW 13.50.010(8) and  
5 13.50.050(13).

6 (8)(a) Any adjudication of a juvenile offense or a crime  
7 subsequent to sealing has the effect of nullifying a sealing order;  
8 however, the court may order the juvenile court record resealed upon  
9 disposition of the subsequent matter if the case meets the sealing  
10 criteria under this section and the court record has not previously  
11 been resealed.

12 (b) Any charging of an adult felony subsequent to the sealing has  
13 the effect of nullifying the sealing order.

14 (c) The administrative office of the courts shall ensure that the  
15 superior court judicial information system provides prosecutors  
16 access to information on the existence of sealed juvenile records.

17 (d) The Washington state patrol shall ensure that the Washington  
18 state identification system provides Washington state criminal  
19 justice agencies access to sealed juvenile records information.

20 (e) The Washington state patrol shall ensure that the Washington  
21 state identification system provides non-Washington criminal justice  
22 agencies access to sealed juvenile records that relate to crimes  
23 punishable by imprisonment for a term exceeding one year only for the  
24 purposes of processing and purchasing firearms, concealed pistol  
25 licenses, or alien firearms licenses, or releasing of firearms from  
26 evidence.

27 (9) If the juvenile court record has been sealed pursuant to this  
28 section, the record of an employee is not admissible in an action for  
29 liability against the employer based on the former juvenile  
30 offender's conduct to show that the employer knew or should have  
31 known of the juvenile record of the employee. The record may be  
32 admissible, however, if a background check conducted or authorized by  
33 the employer contained the information in the sealed record.

34 (10) County clerks may interact or correspond with the  
35 respondent, his or her parents, restitution recipients, and any  
36 holders of potential assets or wages of the respondent for the  
37 purposes of collecting an outstanding legal financial obligation  
38 after juvenile court records have been sealed pursuant to this  
39 section.

1           (11) Persons and agencies that obtain sealed juvenile records  
2 information pursuant to this section may communicate about this  
3 information with the respondent, but may not disseminate or be  
4 compelled to release the information to any person or agency not  
5 specifically granted access to sealed juvenile records in this  
6 section.

7           (12) All criminal justice agencies must not disclose confidential  
8 information or sealed records accessed through the Washington state  
9 identification system or other means, and no information can be given  
10 to third parties other than ((~~Washington state~~)) criminal justice  
11 agencies about the existence or nonexistence of confidential or  
12 sealed records concerning an individual.

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